

# OVERVIEW OF THE COMPLAINT REVIEW PROCESS

The Medical Board of California has authority over licensed medical doctors (MDs) in California and has the authority to enforce the provisions of the Medical Practice Act (within the California Business & Professions Code). The Board also handles complaints against certain affiliated healing arts professionals: podiatrists, physician assistants, registered dispensing opticians, research psychoanalysts and midwives.

Your complaint will be assigned to a consumer services analyst for review. The analyst will gather the information necessary to evaluate your complaint. The initial review of your complaint will be undertaken immediately; however, depending on the complexity of the case, it may take several months to resolve.

Below are the most common types of complaint issues filed with the Board as well as an outline of the normal review process.

## ■ Quality of Care Complaints

When you file a complaint involving medical care and treatment, the Medical Board will obtain copies of all your medical records pertaining to that treatment. If you have not completed the "Authorization for Release of Medical Records" on the back of the Consumer Complaint Form, the analyst handling your complaint will send you one to complete and sign. The release form must be completed and signed to avoid a delay in processing your complaint.

When a completed release form is received, the analyst will request the needed records, as well as a written summary of the care from each of the treating medical providers. Once all records and summaries are received, the entire file will be forwarded to one of the Board's medical consultants for a thorough review. You will be notified by letter when this occurs.

The medical consultant's evaluation will determine whether the complaint requires further review by one of the Board's investigative offices, or whether the Central Complaint Unit will close the complaint.

If the review determines that the actions of the doctor were not below the acceptable standard of medical care, the Board has no authority to proceed, and the complaint will be closed. If the Board finds that the treatment fell below the standard of care but does not represent gross negligence, the complaint will be closed but will be maintained on file for the Board's future reference. If a complaint is referred to an investigative office and a violation is confirmed, the case may be submitted to the Office of the Attorney General for a formal charge that may lead to disciplinary action against the doctor's license.



**The Board cannot review matters that occurred more than seven years ago (with some limited exceptions) or 10 years ago on complaints alleging sexual misconduct.**

## ■ Failure to Provide Medical Records

If a medical provider fails to release a copy of your medical records to you upon your written request, he or she may be in violation of Health and Safety Code Section 123110. If you have difficulty obtaining a copy of your records, please call us as we may be able to assist you in obtaining your records.

## ■ High Priority Complaints

Complaints alleging negligence that involve patient death or serious bodily injury are given the highest priority. Complaints alleging sexual misconduct, excessive prescribing, unlicensed practice of medicine or a physician's substance abuse will usually be forwarded to one of our district offices for investigation. However, if the complaint allegations are not clear, you may be contacted for further information before determining whether an immediate field investigation is warranted.

## ■ Injury, Disability, Fitness for Duty Evaluations

Medical providers often conduct evaluations to determine an individual's medical condition related to an injury, disability, or fitness for duty. The Medical Board has limited jurisdiction in this area as no "care and treatment" is provided. If you are dissatisfied with the results of your evaluation, appeal processes may be available through the agency or individual who requested the evaluation. It is recommended that the appeal options be pursued.

The Medical Board has no authority over the following:

- **Chiropractors** *(contact Board of Chiropractic Examiners)*
- **Dentists** *(contact Board of Dental Examiners)*
- **Ethical/Office Issues** *(contact local medical society)*  
*Ethical issues include "bedside manner" (attitude, demeanor) and office staff.*
- **Health Maintenance Organizations (HMOs)** *(contact Department of Managed Health Care)*
- **Hospitals** *(contact Dept. of Public Health)*
- **Insurance Companies** *(contact Department of Insurance)*
- **Malpractice actions/civil lawsuits**  
*If you are seeking damages and restitution only, you need to seek legal advice. The Medical Board cannot share information or assist with lawsuits.*
- **Medi-Cal** *(contact Department of Health Care Services or Department of Justice, Medi-Cal Fraud)*
- **Medicare** *(contact the federal centers for Medicare and Medicaid)*
- **Nurses** *(contact the Board of Registered Nursing or the Board of Vocational Nurse and Psychiatric Technicians)*
- **Optometrists** *(contact Board of Optometry)*
- **Osteopathic Physicians (DOs)** *(contact Osteopathic Medical Board of California)*
- **Prices Charged** *(contact your local medical society for medical services actually provided to the patient)*

The Medical Board also has no authority to obtain a refund from a medical provider **unless** there is a double payment by the insurance company.

## MEDICAL BOARD OF CALIFORNIA

Central Complaint Unit  
2005 Evergreen Street, Suite 1200  
Sacramento, CA 95815

- **To check on a specific doctor or obtain information about the complaint process, call our Consumer Information Unit:**

1-800-633-2322  
or (916) 263-2424  
Fax: (916) 263-2435  
TDD: (916) 263-0935

- **Or visit our Web site:**

[www.mbc.ca.gov](http://www.mbc.ca.gov)

*The mission of the Medical Board of California is to protect healthcare consumers through the proper licensing and regulation of physicians and surgeons and certain allied healthcare professions and through the vigorous, objective enforcement of the Medical Practice Act, and, to promote access to quality medical care through the Board's licensing and regulatory functions.*

## How Complaints Are Handled



**Central Complaint Unit**

### Medical Board of California

*the state agency that licenses medical doctors, investigates complaints, and disciplines those who violate the law*